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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

12 COLONY CAPITAL, LLC, a  
13 Delaware limited liability company,  
14 and COLONY INVESTORS IV,  
15 L.P., a Delaware limited partnership,  
16 Plaintiffs,  
17 v.  
18 THE NATIONAL RETIREMENT  
19 FUND, and DOES 1 through 20,  
20 inclusive,  
21 Defendants.

Case No. 2:11-cv-07235 R (AGR<sub>x</sub>)

**NOTICE OF WITHDRAWAL,  
WITHOUT PREJUDICE, OF THE  
COLONY PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION  
PENDING DECLARATORY RELIEF  
ACTION**

Honorable Manuel L. Real

**NOTICE OF WITHDRAWAL**

Pursuant to Local Rule 7-16, and pursuant the parties' Joint Stipulation Regarding Scheduling Of Plaintiffs' Motion For Preliminary Injunction Pending Declaratory Relief Action and [Proposed] Order regarding the same, both of which the parties have filed this same day (September 12, 2011), the Colony Parties hereby withdraw, without prejudice, The Colony Plaintiffs' Motion for Preliminary Injunction Pending Declaratory Relief Action (Docket No. 5, in the above-captioned case). The Colony Parties will re-file their Preliminary Injunction Motion and notice it to be heard on November 7, 2011.

Dated: September 12, 2011

Respectfully Submitted,

By: /s/ Daniel M. Petrocelli

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